

TH:VAZ  
F. #2021R00472

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

MAX EUGENE and  
HERBERT WHITELEY,

Defendants.

-----X

THE GRAND JURY CHARGES:

NARCOTICS TRAFFICKING CONSPIRACY

1. In or about and between March 2021 and March 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MAX EUGENE and HERBERT WHITELEY, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing cocaine, a Schedule II controlled substance, and (b) a substance containing cocaine base, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1). The amount of cocaine involved in the conspiracy attributable to each defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, was 500 grams or more of a substance containing cocaine.

(Title 21, United States Code, Sections 846, 841(b)(1)(B)(ii) and 841(b)(1)(C);  
Title 18, United States Code, Sections 3551 et seq.)

I N D I C T M E N T

Cr. No. **1:22-cr-00200(RPK)(VMS)**  
(T. 21, U.S.C., §§ 841(b)(1)(B)(ii),  
841(b)(1)(C), 846, 853(a) and 853(p);  
T. 18, U.S.C., §§ 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

2. The United States hereby gives notice to the defendants that, upon their conviction of the offense charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offense to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offense; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
BREON PEACE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

F. #2021R00472  
FORM DBD-34  
JUN. 85

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

MAX EUGENE and HERBERT WHITELEY,

Defendants.

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**INDICTMENT**

(T. 21, U.S.C., §§ 841(b)(1)(B)(ii), 841(b)(1)(C), 846, 853(a) and  
853(p); T. 18, U.S.C., §§ 3551 et seq.)

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*A true bill.*

*Jerin Krog*

Foreperson

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Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

Clerk

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Bail, \$ \_\_\_\_\_

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*Victor Zapana, Assistant U.S. Attorney (718) 254-7180*